

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOLOMON LEAKE and
HAYDEN MAE LEAKE,

07 Civ. 2947 (CM)
ECF CASE

Plaintiffs,

-against-

REPLY TO COUNTERCLAIM

PHROSKA LEAKE McALISTER,

Defendant.
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Plaintiffs, SOLOMON LEAKE and HAYDEN MAY LEAKE, as and for their reply to the counterclaim interposed in the answer of defendant PHROSKA LEAKE MCALISTER, allege as follows:

1. Admit that plaintiff Solomon Leake resides at 28 Lynnwood Drive, Hampton, Virginia 23666, and otherwise deny each and every allegation contained in paragraph "17" of the answer.
2. Deny each and every allegation contained in paragraph "18" of the answer.
3. Admit that plaintiff Solomon Leake remains coherent, intelligent, cognizant of his environment and current news events, from his readings, and that he is physically frail, suffers from cardiovascular disease and had a pacemaker inserted, and suffers from intermittent short term memory loss and occasion disorientation; and otherwise deny each and every allegation contained in paragraph "19" of the answer.
4. Admit that plaintiff Solomon Leake visited plaintiff during the 2006 Christmas holidays; deny that plaintiff Hayden Leake hid his medications; allege that plaintiff Hayden Leake, who was visiting another daughter in New York, brought the medications with her in case Solomon Leake ran out of the supply he had taken with him to New York, and that plaintiff

Solomon Leake returned home earlier than expected and prior to plaintiff Hayden Leake's return home because defendant failed and refused to advise plaintiff Hayden Leake and her other daughters as to when defendant would be returning plaintiff Solomon Leake back to his home; and otherwise deny each and every allegation contained in the first of the two paragraphs numbered "20" of the answer.

5. Deny each and every allegation contained in the first of the two paragraphs numbered "21" of the answer, except admit that defendant is not an appropriate person to represent plaintiff Solomon Leake.

6. Deny each and every allegation contained in the second of the two paragraphs numbered "20" of the answer.

7. Deny each and every allegation contained in the second of the two paragraphs numbered "21" of the answer.

AFFIRMATIVE DEFENSE TO COUNTERCLAIM

8. The alleged counterclaim fails to state a claim upon which relief can be granted.

Dated: New York, New York
June 11, 2007

McGARRY & SIMON

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